

FEDERAL BUREAU OF INVESTIGATION
FREEDOM OF INFORMATION/PRIVACY ACTS SECTION
COVER SHEET

SUBJECT: American Civil Liberties Union

Office Memorandum • UNITED STATES GOVERNMENT

TO : Mr. Tolson /

DATE: May 13, 1955

FROM : L. B. Nichols

SUBJECT: SENATE POST OFFICE AND CIVIL SERVICE COMMITTEE

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Irving Ferman, the Washington representative of the American Civil Liberties Union (ACLU), was very much upset and disturbed over the prospect of the Senate Post Office Committee violating the confidential character of files in their forthcoming inquiry on security procedures. He advised me today that he had lunch on May 12th with former Senator Gillette and Hugh Finzel. He referred to the letter which he had written Senator Johnston and which he had also furnished us wherein he made a strong presentation on the necessity of protecting the confidential character of files. He told me that Senator Gillette impressed him as being very determined to proceed and he intends to have public hearings on an individual case basis. The only two cases that they have definitely decided to hold hearings on are the Wolf--Ladejinsky case and the Chasanow case. Gillette stated that they contemplated developing the basic facts and then it will be necessary to get access to the files to see how the cases were handled or mishandled. Gillette told Ferman that he appreciated his concern and was sympathetic to his concern, and, of course, would not even consider getting into raw files.

Ferman asked if there was not some compromise and whether selected information or summaries might not suffice. Senator Gillette stated that this might serve the purpose. Ferman stated that he is even more concerned now over the confidential character of files since he feels that the liberal forces who were pretty well mobilized behind the necessity of protecting files in the McCarthy hearings might now very well reverse themselves and say that the files should be made public in the Chasanow and Ladejinsky cases.

I told Ferman that these, of course, were only two cases and that it must be remembered that there are many other cases and that there might come a time where the only way a Government agency might defend itself would be to bare the files to show exactly what was done or what was not done. I told Ferman that we, of course, would stick to our traditional position, but that on the other hand should the question of our own integrity or what we did or did not do become an issue, we did not propose to take this idly lying down. Ferman stated that he

cc - Mr. Boardman

cc - Mr. Belmont

LBN:ptm

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Memo for Mr. Tolson from L. B. Nichols

RE: SENATE POST OFFICE AND CIVIL SERVICE COMMITTEE

certainly hoped we were not put in this position. I told him we hoped so too, but that on the other hand, we were not going to stand by and have the Bureau smeared. He, of course, did not blame us for this. He did not know when they will start their hearings.

X ✓ V

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Washington D. C. Office
Century Building
422 Fifth Street, N.W.—REpublic 7-8123—Washing
IRVING FERMAN, Director

May 20, 1955

Mr. Louis B. Nichols
United States Department of Justice,
Federal Bureau of Investigation
Washington 25, D. C.

Dear Lou:

I attach herewith, a letter received
yesterday from Guy Gillette, in reply to
mine of May 3rd sent to Senator Olin Johnston,
which you will be interested in.

With best wishes,

Very truly yours,

IRVING FERMAN

IF:p
Enc.

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35th Anniversary Year

C O P Y
UNITED STATES SENATE

May 17, 1955

Mr. Irving Ferman
Director
American Civil Liberties Union
412 Fifth Street, N.W.
Washington 1, D. C.

My dear Director:

Your letter dated May 3, 1955, addressed to Senator Olin D. Johnston, Chairman of the Senate Committee on Post Office and Civil Service, has been referred to this Committee for attention, information, and reply.

I thank you for your interest in the work we are doing and your commendatory reference to it. I assure you we are always glad to receive any suggestions or information to help us in our work.

The question that you raise in your letter to Senator Johnston relative to inspection of certain material is noted and is a question that we have had under consideration for some time. I am quite sure that our conclusions will be based on consideration of the factors to which you direct attention.

Sincerely,

Guy M. Gillette
Counsel.

D.L.

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ENCLOSURE

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61-197-524

May 24, 1955

Mr. Irving Ferman
Director
Washington Office
412 Fifth Street, Northwest
Washington 1, D. C.

Dear Irving:

Thanks a lot for your letter of May 20 with
the enclosure which was quite interesting.

With best wishes,

Sincerely,

L. B. Nichols

LBN:arm
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Alan Reitman, Public

Weekly Bulletin #1698

May 16, 1955

CALIFORNIA LAWYERS REJECT PROPOSED DISBARMENT PLAN

Governors of the State Bar of California have rejected two of three proposed changes in the Business and Professions code which would have led to the disbarment of attorneys under fire in loyalty-security cases.

Rejected was a proposal to disbar lawyers who took refuge in the Fifth Amendment in refusing to answer questions about membership in subversive organizations and advocacy of violent overthrow of the government.

Also turned down was a proposed amendment to the code which would have led to the disbarment of attorneys for "acting disrespectfully toward Congressional or legislative committees."

However, the governors did vote to ask the State Legislature to enact a law to disbar or suspend attorneys who "advocate or teach the violent overthrow of the government."

The American Civil Liberties Union had opposed all three proposals, which had been recommended by the State Bar's Committee on Rules of Professional Conduct. In a memorandum to the Board, the ACLU's Southern California Branch stated that while the proposed amendments are aimed at lawyers who advocate the violent overthrow of government, "its effect unquestionably will be to discourage all creative thinking." To avoid the danger of being denounced and penalized as Communists, it will be necessary for lawyers to advocate only the orthodox social and economic views, however inadequate they may be.

The ACLU pointed out that the political views of lawyers, "in no measure determine their fitness to represent or to advise their clients." In addition, the ACLU said, the removal of a Communist from the practice of law has no rational relation to the national security.

In rejecting the two proposals the state bar explained that "present procedures are adequate to bring about the disciplining of lawyers who violate the law, whether before committees or elsewhere, and that the exercise of their constitutional right against self-incrimination will not prevent the administration of discipline when warranted."

ATHEIST POLISH REFUGEE FINALLY RECEIVES U.S. CITIZENSHIP

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NOT RECORDED

A young Polish refugee who became a U.S. Air Force corporal has finally gained American citizenship after a two and a half year delay without having to utter the religious oath, "So help me God."

The case involves 25-year-old Walter Plywacki. He gained his citizenship in Portland, Oregon last January. He had been turned down in August 1952 by Judge J. Frank McLaughlin who regretted having to deny Plywacki citizenship but who said that "our government is founded upon a belief in God," and later added that "if you join an organization that has principles based on the existence of a Supreme Being - as so stated from the Declaration of Independence on down to the latest pronouncements by President Eisenhower - then you must abide by the rules of that organization."

Plywacki, an atheist, was willing to affirm his loyalty without religious reference. His case was appealed. The National Liberal League, a freethinker group, backed him. The Northern Calif. ACLU filed a brief in his behalf, which was subsequently upheld in effect by the Attorney General's action in the case. The ACLU said:

"To force an atheist to say that he believes in God when he doesn't, is an interference with the free exercise of his religion - the religion of disbelief. If a native-born citizen is entitled to freedom of religion which would include the right

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A REGULAR WEEKLY SERVICE. FURTHER INFORMATION FURNISHED ON REQUEST

not to believe in God, then a petitioner for naturalization has the same right... Affirmations, in lieu of an oath, are expressly allowed by Congress. This should solve this problem easily. However, it is the implications of the decision that are frightening. This is not a nation of God-believers alone. It is a nation of people who have freedom of conscience - who have the right to believe or not to believe."

In April of 1953, the Attorney General's office, in effect, dropped the case, and eventually a new judge gave Flywacki his citizenship without the oath. The case is thought to be one of the few of its kind ever to come to light.

COURT BARS POLITICAL QUESTIONS IN INHERITANCE CASE

The right of a son residing in a foreign country to inherit his father's estate without having to answer questions about his political affiliations has been upheld by a New Jersey appeals court. The court also ruled on the extent of due process in inheritance cases.

When Joseph Wozar died, his brother Stephen thought he was the sole heir and was made administrator of the estate. In December 1953, Alois Wozar, a resident of Czechoslovakia, claimed to be Joseph's son and therefore entitled to the inheritance. He filed in an Ocean County, N.J. court through American attorneys to obtain his inheritance.

Counsel for Stephen Wozar sought to identify Alois further and secured interrogatories from the court requiring that information be submitted by Alois Wozar in Czechoslovakia to prove his claim. Among the questions asked were three pertaining to his possible membership in the Communist Party of Czechoslovakia or his sympathy with Communist organizations there.

Acting in the New Jersey court in behalf of Alois Wozar, attorney Jerome Alper of Newark failed to submit any answers to the questions as to Wozar's possible Communist sympathies and sought to have the case continued long enough to have testimony taken in Czechoslovakia on other matters relating to Wozar's identity. During the interim, attorneys for Stephen Wozar were successful in having the entire case dismissed in August 1954 on the grounds that enough time had elapsed and the questions had not been answered.

The Appellate Division of the Superior Court of New Jersey reversed this action, declaring that questions regarding Wozar's possible Communist affiliations were, "manifestly improper and irrelevant." Since the action deals with the right of a son to inherit his father's estate, "his political beliefs as a citizen and resident of Czechoslovakia in the present posture of the case before us have no pertinency," the court said.

With respect to due process, the court noted that trial courts have wide discretion in this type of case, including the right to dismiss the case entirely. But, said the court, "Such drastic action should not be taken except in unusual circumstances which display gross inattention, carelessness or contumacy..." Noting the difficulty of shuttling information back and forth from Czechoslovakia, the court indicated that a reasonable time had to be allowed in order to establish the necessary proof of Wozar's claim. "We find no evidence of a deliberate disregard of judicial authority," it said.

The case has been returned to the lower court with orders to allow time for verification of documentary proof.

CENSORSHIP AND ANTI-NUDISM BILLS DEFEATED IN ARKANSAS

A sweeping censorship bill and an anti-nudism bill have been defeated by the Arkansas legislature at its current session. The censorship measure would have prohibited the publication or dissemination of any obscene material in any medium of communication whatsoever and would have also made it a crime to give information as to where such material could be obtained.

The bill did not say who would judge the obscenity and any person could have filed a protest under it. The present Arkansas laws dealing with this subject put the authority to ban magazines, movies, and other publications or entertainment in the hands of the prosecuting attorneys or censorship boards.

The anti-nudism bill defined nudism as congregating with the body exposed in presence of "one or more" of the opposite sex. The proposal would also have banned the publication, sale or possession of literature promoting nudism.

PICKETING OF MOVIE COMPANY OFFICES DEFENDED AS FREE SPEECH

A recent attempt by Columbia Pictures Corporation to halt picketing of its offices or distribution of communications terming it "unfair" drew a protest from the Minnesota Branch of the American Civil Liberties Union.

In a friend of the court brief filed with the U.S. District Court in Minneapolis, the ACLU opposed on free speech grounds Columbia's petition for an injunction. The order was sought against a group of independent theatre owners and their association, North Central Allied, which had objected to film rentals demanded by Columbia. They picketed Columbia's Minneapolis office with signs declaring: "Columbia is Unfair to the Independent Theatre Owners," and planned to issue bulletins concerning their dispute with the movie company.

Considering only the civil liberties issues involved, the ACLU brief opposed Columbia's complaint on grounds that:

"picketing is a means of expression protected by the constitutional guarantees of free speech....

"Speech, whether by verbal utterance, picketing or other publication, may be punished if it transgresses legal limits, but may not be subject to prior restraint by injunction or otherwise.

"Prior restraint of picketing is legally justified only if (a) the picketing is conducted in an unlawful manner as with a show of force, or (b) it seeks to coerce the commission of an unlawful act. It is not justified merely because the pickets, or their principals, are concomitantly engaging in some other illegal activity....

"The court cannot control or forbid expression because of an allegation, apprehension or fact that in content it may be inaccurate, unreasonable, or false."

Libel and slander laws protect persons and firms from unrestrained attack, it was pointed out.

The suit was finally dropped, after the defendant agreed to refrain from picketing for the present. The Minnesota ACLU had hoped the case would advance in the courts as it believed the free speech point should have been the basis for a favorable decision for the theatre owners.

CALIFORNIA ZONING LAW HELD INVALID IN CHURCH CASE

A unanimous three-man state District Court of Appeals declared unconstitutional a Piedmont, California ordinance banning the building of a private Catholic school.

The decision was made in a case brought by the Catholic Welfare Federation, in which the ACLU of Northern California filed friend of the court briefs along with other organizations. The court ordered the city to issue a building permit to the church organization for a parochial school.

In its opinion, the court said, "It is settled that parents have the basic constitutional right to have their children educated in schools of their own choice, subject to reasonable regulations as to subjects required to be taught, manner of instruction, etc. Having this basic right in mind, no reasonable ground for permitting public schools to be conducted in Zone A and prohibiting all other schools teaching the same subjects to the same age groups can be suggested."

CIVIL RIGHTS COMPLAINTS ARISE IN OKINAWA

Okinawa, main island of the Ryukyu group between Japan and Formosa and the U.S. Army's "bastion of the Pacific," has become an issue of civil rights under military government through complaints made to the ACLU by the Japanese Civil Liberties Union. The complaints came from Okinawans resident in Japan. The Union has taken up the complaints with the military authorities in Washington, who have under consideration changes in administration. Okinawa is the only area remaining where U.S. military rule is complete.

The islands are held in trust by the U.S. under the Japanese peace treaty for eventual return to Japan. U.S. military authorities exercise complete power over native civil affairs. Complaints range from denial of self-government to extensive seizures of farm land for military use without adequate compensation or provision for settlement elsewhere.

The Union has made a series of suggestions to the military authorities for extending wider rights to the native population of 750,000, subject only to military security.